SINGLE BENCH (2)

CF/552

IN THE HON'BLE HIGH COURT OF CHHATTISGARH, AT BILASPUR (C.G.)

W.P. No. (S) 5546 /2006

PETITIONER : Vishnu Yadav aged 40 years, Son of Shri Natha Ram resident of Village Kopara Sarpanch Gram Panchayat UDELA Tehsil Takhapur, District-Bilaspur (C.G.)

P.R. No. SS 6/9/06
Presented by S. P. Tiwari
dated 9/10/06

VERSUS

RESPONDENTS

1. Sub Divisional Officer (Revenue) Kota, Tehsil Kota, District Bilaspur (C.G.).

PLAINTIFFS

2. Collector, Bilaspur, Tehsil & District Bilaspur (C.G.).

3. Director for Panchayat and Social Welfare, Raipur (C.G.).

RECEIVED-COPY 9/10/06 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA 1950, FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC., AND FOR OTHER APPROPRIATE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS

OATH COMMISSIONER APARNA MALVIYA 09/10/06

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक ...WP...5546/.... **सन् 200** 6

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11.10.2006

Shri M.D. Sharma, Counsel for the petitioner.

Shri Arun Sao, Govt. Advocate for the State/respondents on advance copy.

Arguments heard.

Order dictated as follows :

ORAL ORDER
(11.10.2006)

SUNIL KUMAR SINHA, J.

The petitioner, who was an elected Sarpanch of Gram Panchayat Udela, Tehsil – Takhatpur, District – Bilaspur (C.G.), has challenged the validity of the order dated 28/6/2006 passed by the prescribed authority (Sub-Divisional Officer (Revenue), Kota) in Revenue Case No.17/A-89/2005-06 under Section 40 (1) of the M.P. (C.G.) Panchayat Raj Adhiniyam, 1993.

Learned counsel for the petitioner submits that after issuance of the show cause notice to the petitioner, a reply was filed by him and just after filing the reply, the prescribed authority passed the impugned order without giving any opportunity to lead evidence to the petitioner. His submission is that the provisions of first proviso to Section 40 (1) of the said Act have not been complied. During the course of arguments, learned counsel for the petitioner submits that against the aforesaid order passed on 28/6/2006, an appeal was filed before the Collector and the appeal

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P. 5546... **सन् 200** 6

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

was dismissed by him on 28/8/2006. He further submits that thereafter, a Revision was filed before the Director (Panchayat) on 6/9/2006 and the same is pending for disposal.

Considering the facts and circumstances of this case, particularly the circumstance that the matter is already pending before the statutory authority, I am not inclined to interfere in this Writ Petition at this stage. However, I hereby direct that the concerned authority i.e. the Director (Panchayat) shall dispose of the revision filed by the petitioner, as early as possible, preferably within a period of three months from the date of production of certified copy of this order before it.

With the aforesaid observations, this petition stands finally disposed of at this stage.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge

sh–na

P.T.O.

19/10/06
31/10/06